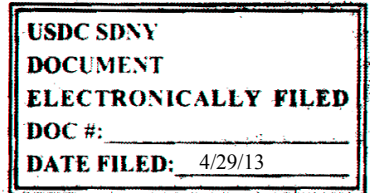


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X		
JONATHEN JONES aka JOHNATHAN GILMORE,	:	
	:	
Plaintiff,	:	12 Civ. 05252 (LGS)
	:	
-against-	:	<u>MEMORANDUM AND</u>
	:	<u>ORDER</u>
CAPTAIN SPENCER,	:	
Defendant.	:	
-----X		

LORNA G. SCHOFIELD, District Judge:

Plaintiff, Jonathen Jones, brought this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to Magistrate Judge Kevin Nathaniel Fox for general pretrial supervision. By a Report and Recommendation (“Report”) dated April 4, 2013, Magistrate Judge Fox recommended that this action be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. Magistrate Judge Fox noted that, due to plaintiff’s failure to update his address, “neither the defendants nor the Court has been able to communicate with Jones; thus, this action is at a standstill.” (Dkt. No. 13.)

The Court may accept, reject, or modify, in whole or in part, the findings and recommendations set forth within the Report. 28 U.S.C. § 636(b)(1). When there are objections to the Report, the Court must make a *de novo* determination of those portions of the Report to which objections are made. *Id.*; *see also U. S. v. Raddatz*, 447 U.S. 667, 674 (1980). When no objections to a Report are made, the Court may adopt the Report if “there is no clear error on the face of the record.” *Adee Motor Cars, LLC v. Amato*, 388 F. Supp.2d 250, 253 (S.D.N.Y. 2005) (citation omitted). In his Report, Magistrate Judge Fox advised the parties that failure to file

timely objections to the Report would constitute a waiver of those objections. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Neither party filed objections to the Report. As there is no clear error on the face of the record, Magistrate Judge Fox's recommendation is AFFIRMED and ADOPTED in its entirety.

The Court finds pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 445 (1962).

The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: April 29, 2013
New York, New York

SO ORDERED



HON. LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE